

temporarily derailed – the legitimate oversight process of the United States Senate. Still, given the outcome of the bribery investigation, and the consequently diminished significance of Babbitt’s testimony, any arguably perjurious statements that could be culled from the entirety of Babbitt’s testimony failed to present a sufficient or persuasive case for criminal prosecution.

Finally, it was appropriate to consider the fact that Babbitt enjoys a strong reputation for integrity, truth and veracity in the community. Secretary Babbitt has a long record of honorable public service to his home state and the nation. Evidence of a subject’s – Babbitt’s – good character is properly considered by a federal prosecutor, just as it may be by a jury at trial, in determining whether that person committed the crime under investigation. Indeed, juries in federal court in D.C. are typically instructed that, in evaluating evidence of character and reputation for veracity:

[T]he circumstances may be such that evidence of good character may alone create a reasonable doubt as to the defendant’s guilt, although without it the other evidence would be convincing.⁷³³

It is worth noting that two central witnesses in this matter, Paul Eckstein and Sen. John McCain, both attest to Secretary Babbitt’s good character and reputation for truthfulness, and their opinions in this regard undoubtedly would have been elicited at trial. While such evidence of good character would not, in and of itself, have justified declination of prosecution had the proof of bribery or perjury been sufficient to merit indictment, we were cognizant of this evidence in our weighing of the total circumstances of the case.⁷³⁴

⁷³³ See Instruction 2.42, *Young Lawyers Section of the Bar Association of the District of Columbia*, Criminal Jury Instructions for the District of Columbia (1993).

⁷³⁴ Character evidence, which prosecutors and jurors alike may properly consider in their
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